

OPINION  
51-66

September 21, 1951 (OPINION)

FEES

RE: Where Two Petitions for Administration Filed

Yours of the twentieth inst. asking for an opinion re section 27-0740, 1949 supplement has been received.

You state: "In the case at bar a sister of the dead man filed her petition for administration and promptly thereafter his brother filed a similar petition."

You ask whether each petitioner must pay the filing fee provided for by said section.

It is our opinion that, since two separate petitions were filed, two filing fees are due. If the brother had been content to appear in the matter initiated by the first petition and had opposed the appointment of the administrator petitioned for by the sister's petition, there would have been only one proceeding and only one fee would be due. Since he elected to initiate a second proceeding he is liable for the fee for filing, just as he would be if his petition were the only one filed.

ELMO T. CHRISTIANSON

Attorney General